

REMARKS

Claims 25, 26, and 28-48 were previously pending in the application. This Amendment amends claim 25 merely to correct a minor grammatical error and adds new claim 49. Claims 26 and 28-48 remain unchanged.

Statement of the Substance of the Interview

Applicants' representative thanks Examiner Sean P. Gramling, and Supervisory Patent Examiner Sandra O'Shea, for the courtesies extended in the personal interview conducted with Applicants' Representatives, James E. Howard, Reg. No. 39,715, and John J. Dresch, Reg. No. 46,672, on June 25, 2008.

A copy of an Interview Summary was provided by the Examiner at the interview. Applicants submit this Statement to comply with the requirements of M.P.E.P. § 713.04.

In the interview, the following was discussed:

A. Identification of claims discussed:

Claims 25, 31, 32, and 37.

B. Identification of prior art discussed:

The Evertzberg reference (EP 1 151 717 B1) and the Gute reference (GB 2 044 427

A).

C. Identification of principal proposed amendments:

None.

D. Brief Identification of principal arguments:

Applicants argued that the applied references, either alone or in combination, do not teach or suggest the subject matter defined by at least claims 25, 31, 32, and 37.

E. Results of the Interview:

The Examiner will give further consideration to the features recited in the dependent claims in response to the filed Amendment. No agreement was reached.

The Claimed Invention

The specification explains that in some conventional devices the light guide is located in a gap between the underside of the worktop and the edge of the appliance door and is covered by the worktop at the top, and therefore, the signal light in the light guide is poorly visible for a user standing in front of the built-in household appliance. (Page 2, lines 14-24).

The present invention recognizes that the field of view of a user standing in front of the household appliance can be obstructed or limited by the worktop such that an optical status display device is not easily viewed by the user. To solve the aforementioned problems, the present invention provides a simplified optical status display device in which the signal light is positioned in the field of view, or visible region, for a user standing in front of the household appliance. (Page 3, lines 23-31; and page 7, lines 9-16.) Hence, the operating state of the household appliance can be easily viewed by a user standing in front of the household appliance such that the appliance is not opened while it is operating.

For example, an embodiment of the invention is directed to a household appliance including a front door having an upper edge, a front cover disposed in front of the front door, at least one optical status display device mounted on the household appliance such that the one optical status display device is a selected one of hidden in a built-in state of the household appliance and hidden when the front door is closed, and at least one light guide for transmitting a signal light emitted by the optical status display device, the optical status display device being located at a spacing from the upper edge of the front door, wherein the light guide is arranged so that the signal light is disposed in the front cover so that the light is transmitted in the direction of the front side of the cover.

The Evertzberg reference in view of the Gute reference

The Office Action rejects claims 25, 26, and 28-48 under 35 U.S.C. § 103(a) as being unpatentable over the Evertzberg reference (EP 1 151 717 B1) in view of the Gute reference (GB 2 044 427 A). Applicants respectfully traverse this rejection.

A. Applicants respectfully submit that it would not have been obvious to combine the references in the manner alleged in the Office Action.

“Office personnel must determine whether the claimed invention would have been obvious to one of ordinary skill in the art [...] after consideration of all the facts. [...] “Ascertaining the differences between the prior art and the claims at issue requires interpreting the claim language, and considering both the invention and the prior art references as a whole. [...] In determining the differences between the prior art and the claims, the question under 35 U.S.C. 103 is not whether the differences themselves would have been obvious, but whether the claimed invention as a whole would have been obvious.”” (M.P.E.P. § 2141.02(I)).

The Office Action acknowledges that the optical status display device 4 in the Evertzberg reference is located at the upper edge of the front door 2 rather than positioned at a spacing away from the upper edge, and the light guide 13 is not arranged so that the signal light emitted by the optical display device 4 is disposed in the front cover 6 (see Figure 3). To make up for the acknowledged deficiencies of the Evertzberg reference, the Office Action relies on the Gute reference for allegedly teaching an optical display device 9 located from a spacing of the upper edge of a front door that generates a signal light, wherein a light guide 8 is arranged so that the signal light is disposed in a front cover 6 (see Gute, Figure 1 and Abstract).

In contrast to the assertion in the Office Action, Applicants respectfully submit that the present invention would not have been obvious from the alleged combination of references. Indeed, neither the Evertzberg reference nor the Gute reference, either individually or in combination, contemplates or solves the problems addressed by the present invention.

The present invention recognizes that the field of view of a user standing in front of the household appliance can be obstructed or limited by the worktop such that an optical status display device is not easily viewed by the user. To solve the aforementioned problems, the present invention provides a simplified optical status display device in which the signal light is positioned in the field of view, or visible region, for a user standing in front

of the household appliance. (Page 3, lines 23-31; and page 7, lines 9-16.) Hence, the operating state of the household appliance can be easily viewed by a user standing in front of the household appliance such that the appliance is not opened while it is operating.

In stark contrast to the claimed invention, Figures 1-4 of the Evertzberg reference clearly show that the optical status display device, as well as all other display devices and control devices, are located at the upper edge of the front door 2, which is the area that is obstructed from view for a user standing in front of the household appliance. Indeed, the disclosure of the present application specifically explains that, in the Evertzberg reference, the signal light in the light guide is poorly visible for a user standing in front of the built-in household appliance since the light guide is located in a gap between the underside of the worktop and the edge of the appliance door and is covered by the worktop at the top. (Page 2, lines 14-24).

On the other hand, the Gute reference merely shows a portion of a display unit of a household appliance and is completely silent with respect to a field of view of a user standing in front of the household appliance. The Gute reference also is silent with respect to any spacing from an edge of a front door of the appliance.

Thus, neither the Evertzberg reference nor the Gute reference suggests the alleged modification of locating the optical status display device in a field of view of a user standing in front of the household appliance. Hence, it would not have been obvious to combine the references in the manner alleged in the Office Action.

B. Even assuming in *arguendo* that the references would be combined in the manner alleged, Applicants respectfully traverse the rejection of claims 25, 26, and 28-48 because the hypothetical combination of the Evertzberg reference and the Gute reference does not disclose or suggest all of the features of the claims.

Independent Claim 25:

Applicants respectfully traverse the rejection of claim 25 because the hypothetical combination of the Evertzberg reference and the Gute reference does not disclose or suggest

at least “*the optical status display device being located at a spacing from the upper edge of the front door*” as recited in independent claim 25.

As set forth above, the disclosure of the present application specifically explains that, in the Evertzberg reference, the signal light in the light guide is poorly visible for a user standing in front of the built-in household appliance since the light guide is located in a gap between the underside of the worktop and the edge of the appliance door and is covered by the worktop at the top. (Page 2, lines 14-24).

The Gute reference fails to make up for the deficiencies of the Evertzberg reference. The Gute reference is completely silent with respect to a field of view of a user standing in front of the household appliance, or with respect to any spacing from an edge of a front door of the appliance.

Fig.1 of the Gute reference merely shows “a longitudinal section through the portion of a display unit of a household appliance,” not a section through the front door of the household appliance (Page 1, lines 52-54.) The Gute reference states that the plate 6 is “in the region of one wall of the housing.” (Abstract). More particularly, the Gute reference discloses that “a plate 6 [...] is arranged on the front wall or a cover of the housing of an appliance (not shown) such as a refrigerator cabinet, a freezer cabinet, a dishwashing, washing or drying machine, an oven, furnace or the like.” (Page 1, lines 57-64; see also lines 81-86.) An object of the Gute reference is to permit the plate 6 to be removed without separating electrical connections. (Page 1, lines 28-29.)

In contrast to the assertion in the Office Action, the plate 6 shown in Fig. 1 of the Gute reference is not the front door of the housing of the appliance. Instead, the plate 6 is arranged on the front wall or cover of the housing of the appliance. The front wall or cover of the housing of the appliance is not illustrated in Figs. 1 or 2 of the Gute reference.

Hence, Applicants respectfully submit that the Gute reference fails to make up for the deficiencies of the Evertzberg reference because the Gute reference does not disclose, either explicitly or inherently, a spacing of the display signal from the upper edge of the door of the appliance.

For these and other reasons, the alleged combination of the Evertzberg reference and

the Gute reference does not disclose or suggest the subject matter defined by independent claim 25. Applicants respectfully request withdrawal of this rejection.

Dependent Claims 26 and 28-48:

Dependent claims 26 and 28-48 are patentable over the Evertzberg reference and the Gute reference based on their dependency from claim 25, as well as for the additional features recited therein. Applicants respectfully traverse these rejections.

The Office Action takes the position that the features of the dependent claims would have been obvious to one having ordinary skill in the art at the time the invention, since it has been held that rearranging parts of an invention involves only routine skill in the art. In re Japikse, 86 USPQ 70. Applicants respectfully traverse these rejections.

M.P.E.P. § 2144.04 states:

“In re Japikse, 181 F.2d 1019, 86 USPQ 70 (CCPA 1950) (Claims to a hydraulic power press which read on the prior art except with regard to the position of the starting switch were held unpatentable because shifting the position of the starting switch would not have modified the operation of the device.); In re Kuhle, 526 F.2d 553, 188 USPQ 7 (CCPA 1975) (the particular placement of a contact in a conductivity measuring device was held to be an obvious matter of design choice). However, “[t]he mere fact that a worker in the art could rearrange the parts of the reference device to meet the terms of the claims on appeal is not by itself sufficient to support a finding of obviousness. The prior art must provide a motivation or reason for the worker in the art, without the benefit of appellant’s specification, to make the necessary changes in the reference device.” Ex parte Chicago Rawhide Mfg. Co., 223 USPQ 351, 353 (Bd. Pat. App. & Inter. 1984).” (Emphasis added.)

Applicants respectfully submit that neither the Evertzberg reference nor the Gute reference provide a motivation or reason for the worker in the art, without the benefit of Applicants’ specification, to make the alleged changes in the reference device, for at least the following reasons.

For example, claim 31 recites, in part, *“a handle is mounted on the front cover and the light guide is disposed relative to the handle such that the signal light emitted by the optical status display device is visible in the handle.”*

Claim 32 recites, in part, *“wherein the handle is a light guide.”*

The Evertzberg reference and the Gute reference are silent with respect to providing a light guide in a handle mounted on the front cover. Applicants respectfully submit that neither the Evertzberg reference nor the Gute reference provide a motivation or reason for the worker in the art, without the benefit of Applicants’ specification, to make the alleged changes in the reference device.

Claim 33 recites, in part, *“wherein the front door has a side edge and a lower edge and the optical status display device is mounted at a selected one of the side edge and the lower edge of the front door.”*

The Evertzberg reference and the Gute reference are silent with respect to providing a light guide at a side edge or a lower edge of a front door. Applicants respectfully submit that neither the Evertzberg reference nor the Gute reference provide a motivation or reason for the worker in the art, without the benefit of Applicants’ specification, to make the alleged changes in the reference device.

Claim 34 recites *“wherein the light guide is a displaceable light guide.”*

The Office Action alleges that the Evertzberg reference discloses this feature. However, Applicants respectfully submit that the Office Action fails to cite any support for this assertion, and therefore, fails to establish a *prima facie* case of obviousness with respect to at least claim 34.

Claim 35 recites, in part, *“wherein the front door has a side edge and a lower edge and the optical status display device is located at a spacing from the upper edge, the side edge, and the lower edge of the front door.”*

Claim 36 recites, in part, “*wherein the front cover has a rear surface facing the front surface of the front door and a front surface in opposition to the rear surface, a first part of the light guide is arranged such that the signal light is transmitted from the optical status display device to one of the upper edge, the side edge, and the lower edge of the front door, and a second part of the light guide is arranged such that the signal light is transmitted at least as far as the front side of the front cover.*”

The Evertzberg reference and the Gute reference are silent with respect to these features. Applicants respectfully submit that neither the Evertzberg reference nor the Gute reference provide a motivation or reason for the worker in the art, without the benefit of Applicants’ specification, to make the alleged changes in the reference device.

Claim 37 recites, in part, “*wherein the second part of the light guide is displaceable with respect to the first part of the light guide.*”

The Office Action alleges that this feature would have been obvious since it has been held that constructing a formerly integral structure in various elements involves only routine skill in the art. Nerwin v. Erlichman, 168 USPQ 177.

M.P.E.P. § 2144.04 states:

“In re Dulberg, 289 F.2d 522, 523, 129 USPQ 348, 349 (CCPA 1961) [...] The court held that “if it were considered desirable for any reason to obtain access to the end of [the prior art’s] holder to which the cap is applied, it would be obvious to make the cap removable for that purpose.”)”

The Evertzberg reference and the Gute reference are silent with respect to these features, or any reason for making a second part of the light guide displaceable with respect to a first part of the light guide. Applicants respectfully submit that neither the Evertzberg reference nor the Gute reference provide a motivation or reason for the worker in the art, without the benefit of Applicants’ specification, to make the alleged changes in the reference device.

Claim 39 recites, in part, “*wherein the light guide guides the signal light along a light guiding path and the light guiding path is adaptable to extend through the respective thickness of the front cover.*”

In contrast to the assertion in the Office Action, Applicants respectfully submit that Figure 2 of the Evertzberg reference fails to disclose or suggest at least that the light guiding path of the light guide is adaptable to extend through the thickness of the front cover.

Applicants respectfully submit that neither the Evertzberg reference nor the Gute reference provide a motivation or reason for the worker in the art, without the benefit of Applicants’ specification, to make the alleged changes in the reference device.

Claim 40 recites, in part, “*wherein the light guide is mounted flush to the optical status display device.*”

The Evertzberg reference and the Gute reference are silent with respect to this feature, as acknowledged in the Office Action. Applicants respectfully submit that neither the Evertzberg reference nor the Gute reference provide a motivation or reason for the worker in the art, without the benefit of Applicants’ specification, to make the alleged changes in the reference device.

For these and other reasons, the alleged combination of the Evertzberg reference and the Gute reference does not disclose or suggest the subject matter defined by dependent claims 26 and 28-48. Applicants respectfully request withdrawal of this rejection.

New Claim 49

New claim 49 is patentable over the Evertzberg reference and the Gute reference based on its dependency from claim 25, as well as for the additional features recited therein. The prior art of record is silent with respect to an optical status display device being located at a spacing from the upper edge of the front door such that the optical display device is within a visible region of a field of view of a user standing in front of the household appliance. Applicants respectfully request allowance of new claim 49.

CONCLUSION

In view of the above, entry of the present Amendment and allowance of claims 25, 26, and 28-49 are respectfully requested. If the Examiner has any questions regarding this amendment, the Examiner is requested to contact the undersigned. If an extension of time for this paper is required, petition for extension is herewith made.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'J. E. Howard', is written above the printed name.

James E. Howard

Registration No. 39,715

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BSH Home Appliances Corporation
100 Bosch Boulevard
New Bern, NC 28562
Phone: 252-639-7644
Fax: 714-845-2807
james.howard@bshg.com